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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,746	11/28/2000	Charles R. Szmanda	50640	6356

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/723,746

Applicant(s)

SZMANDA ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-915) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Amendment (PTO-929)
- 6) ☐ Other: \_\_\_\_.

DOV POPOVICI

SUPERVISOR, PATENT EXAMINER  
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## DETAILED ACTION

### *Specification*

1. The arrangement of the disclosed application does not conform with 37 CFR 1.77(b).

Section heading appear boldfaced and underlined throughout the disclosed specification.

Section headings should not be underlined and/or **boldfaced**. Appropriate corrections are required according to the guidelines provided below:

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

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- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### *Claim Objections*

3. Claim 18 is objected to because of the following informalities:

Claim 18 in line 4: the numeral "8" should be deleted from the beginning of line 4.

Correction is required.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. Patent No. 6,226,617) in view of Fahey (U.S. Patent No. 5,970,476.)

As to claim 1, Suzuki et al teaches a system for recycling raw materials from a plurality waste streams generated by waste stream providers (see Abstract, and see column 1, lines 4-6), comprising:

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a waste stream monitoring module for monitoring the plurality of waste streams (see column 4, lines 41-42) and determining an amount of reusable raw materials contained in each of the plurality of waste streams (see column 13, lines 57-60, and see column 16, lines 8-13); and

a reusable materials database for storing the amount of each of the raw materials contained in any of the plurality of waste streams (see column 16, lines 8-13, and see column 16, line 60 through column 17, line 3.)

Suzuki et al does not teach an access device in communications with the reusable materials database, the access device being operable by a user for viewing the amount of each of the raw materials.

Fahey teaches an industrial data acquisition and product costing system and apparatus (see Abstract), in which he teaches an access device in communications with the reusable materials database (see figures 1A and 1B), the access device being operable by a user for viewing the amount of each of the raw materials (see column 4, lines 1-6, and see column 11, lines 20-45.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al to include an access device in communications with the reusable materials database, the access device being operable by a user for viewing the amount of each of the raw materials.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al by the teaching of Fahey, because an access device in communications with the reusable materials database, the access device

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being operable by a user for viewing the amount of each of the raw materials, would enable the system to present information on re-usable materials to customers in order to facilitate the sales of such materials to interested users/clients, and would result in an efficient and effective access to enterprise wide activity based management information used to support strategic decision making with respect to pricing strategies, profit planning, product mix, outsourcing, cost controls, capital investments, and services provided to customers, as taught by Fahey (see column 2, lines 15-53.)

As to claims 2 and 11, Suzuki et al as modified teaches wherein the reusable materials database includes a price for each of the raw materials (see Suzuki et al, column 17, lines 24-38, and see Fahey, column 11, lines 20-31.)

As to claims 3 and 12, Suzuki et al as modified teaches wherein the user issues a purchase request for a specified amount of at least one of the raw materials according to the price (see Fahey, column 8, lines 30-42, and see column 10, lines 38-46.)

As to claims 4 and 13, Suzuki et al as modified teaches the system further comprising a waste purchasing module receiving the purchase request and issuing a purchase order to at least one of the waste stream providers for fulfilling the purchase request (see Fahey, column 4, line 60 through column 5, line 17.)

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As to claims 5 and 14, Suzuki et al as modified teaches the system further comprising a recovery plant for receiving at least one of the plurality of waste streams from the at least one of the waste stream providers (see Suzuki et al, column 11, lines 14-21), the recovery plant recovering the specified amount of at least one of the raw materials (see Suzuki et al, column 24, lines 20-52.)

As to claims 6 and 15, Suzuki et al as modified teaches wherein the specified amount of at least one of the raw materials is transported to a location indicated by the user (see Suzuki et al, column 27, line 31 through column 28, line 37, and see column 33, lines 47-56, also see Fahey, column 8, lines 30-42.)

As to claims 7 and 16, Suzuki et al as modified teaches wherein the waste purchasing module updates the reusable materials database based on the receipt of the at least one of the plurality of waste streams from the at least one of the waste stream providers (see Suzuki et al, column 10, line 66 through column 11, line 13, and see Fahey, column 10, lines 49-61.)

As to claims 8 and 17, Suzuki et al as modified teaches wherein one of the plurality of waste streams was generated from at least one original raw material (see Suzuki et al, column 28, lines 8-10) and the reusable raw material is different than the original raw material (see Suzuki et al, column 28, lines 10-16.)

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As to claims 9 and 18, Suzuki et al as modified teaches wherein the waste stream monitoring module (see Suzuki et al, column 4, lines 41-42) receives batch composition information associated the one of the plurality of waste streams and the waste stream monitoring module determines the amount of reusable material based on the batch composition information (see Suzuki et al, column 23, lines 20-25, and see column 34, lines 15-54.)

As to claim 10, Suzuki et al teaches a method for recycling raw materials from a plurality waste streams generated by waste stream providers (see Abstract, and see column 1, lines 4-6) , comprising the steps of:

monitoring the plurality of waste streams (see column 4, lines 41-42);

determining an amount of reusable raw materials contained in each of the plurality of waste streams (see column 13, lines 57-60, and see column 16, lines 8-13); and

storing in a reusable materials database the amount of each of the raw materials contained in any of the plurality of waste streams (see column 16, lines 8-13, and see column 16, line 60 through column 17, line 3.)

Suzuki et al does not teach viewing the amount of each of the raw materials in the reusable materials database.

Fahey teaches an industrial data acquisition and product costing system and apparatus (see Abstract), in which he teaches viewing the amount of each of the raw materials in the reusable materials database (see column 4, lines 1-6, and see column 11, lines 20-45.)



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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al to include viewing the amount of each of the raw materials in the reusable materials database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Suzuki et al by the teaching of Fahey, because viewing the amount of each of the raw materials in the reusable materials database, would enable the system to present information on re-usable materials to customers in order to facilitate the sales of such materials to interested users/clients, and would result in an efficient and effective access to enterprise wide activity based management information used to support strategic decision making with respect to pricing strategies, profit planning, product mix, outsourcing, cost controls, capital investments, and services provided to customers, as taught by Fahey (see column 2, lines 15-53.)

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to methods and systems recycling in manufacturing processes in general:

Patent/Pub. No.	Issued to	Cited for teaching
US006205060B1	Sanda et al.	Method of recycling materials from discarded materials.


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7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

December 11, 2003

  
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